LAFAYETTE VISTAS

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PLANNING 101

Failing to Plan is Planning to Fail

What would you do if you came home from a relaxing two-week vacation to find that your neighbor constructed a second story addition without your knowing anything about it? What if the windows looked down into your back yard so that you had no privacy? What if the addition blocked your views of Mt. Diablo and cast shade on your vegetable garden? Or worse, what if your neighbor decided to make extra money by setting up a kennel housing twenty dogs; the barking keeps you up at night and the smells keep you from enjoying your patio. Well, luckily, these situations are purely fictional because the City has rules on the books to prevent such situations and the City's planning department is charged with making sure the rules are applied consistently.

Every city tells a story: haphazard, shortsighted planning can be scary and result in suburban sprawl, shabby downtowns and McMansions that are out of scale with their neighbors. Well planned, well designed and well executed communities are best-sellers that are beautiful, vibrant and thriving.

Once Upon a Time

Certainly back in the days of Elam Brown, folks put up their homes and businesses pretty much wherever and however they pleased. Although even then, there was a modicum of planning – the stores and school were built around the central square for convenience, while the homes and farms spread out to the surrounding countryside.

After World War II, rapid suburbanization took place in Contra Costa County. Prior to the City's incorporation in 1968, the County was responsible for planning decisions in what is now Lafayette. By 1968, residents of Lafayette felt that some significant and inappropriate development had been allowed and they were thus spurred to incorporate as a separate city in order to exercise local control over land use decisions.

The City's General Plan calls for protecting Lafayette's natural beauty by preserving and enhancing the city as a semi-rural residential community. The Plan also recognizes the need to balance development with the preservation of the scenic quality of the surrounding hillsides and ridgelines. Those community values, expressed more than 30 years ago, still persist in Lafayette's current General Plan, adopted in 2002. In fact, Lafayette's Hillside Development Ordinance is one of the strictest ordinances in California.

In the Zone

While the General Plan is a broad, guiding policy document, the Zoning Code is where the rubber meets the road. Implementing the goals of the General Plan is done by applying the Zoning Code, which contains the specific regulations for each zoning district throughout the city. These districts specify which areas are single-family residential, multi-family residential or commercial. In each district, there are rules for minimum setbacks, maximum building height, and density per acre. Parking requirements are included along with lists of land uses that are either permitted outright or require a land use permit. The requirements for design review or other special permits are also set forth. The code is updated as needed to address new and pressing issues that are facing the community.

Who are the Commissioners?

The Planning and Design Commissioners are all residents of Lafayette, and generally have experience in either architecture, landscape architecture, land use law, real estate, civil engineering or similarly related fields. All of these commissioners volunteer their time to the City without any monetary compensation. They often spend hours reviewing lengthy and complex staff reports, examining maps and plans, making site visits and, of course, attending meetings – many of which end up going late into the night!

The City is fortunate to have such a wealth of knowledge and expertise on which to draw and even luckier that these residents volunteer their time and energy to making Lafayette a great place to live and work.

Planning Commissioners

- Jean Ateljevich
- Tom Chastain
- Patricia Curtin-Tinley
- Rick Humann
- Dick Holt
- Will Lovitt
- Mark Mitchell

Design Review Commissioners

- Robert Cleaver
- Ken Hertel
- Tom Lee
- Bill Marquand
- Tim Ward

(continued on page 2)

PLANNING 101 (continued from front)

Knights of the Roundtable

The five elected members of the City Council appoint residents to the Planning Commission and Design Review Commission based on education and professional expertise in related fields. These volunteers are responsible for using their best judgement in applying the City's rules and regulations. The Planning Commission determines the intensity and geographical arrangement of land uses in a community by considering the location and density of each development and how it will blend with the existing development. The Design Review Commission then deliberates on issues relating to the aesthetics and physical appearance of the city and structures.

So, for example, while the Planning Commission may decide whether a multi-family condominium complex is appropriate for a particular location, the Design Review Commission will then make specific recommendations about how the development should look in terms of its height, mass, impact on views and neighbors and general visual character.

The City also has six professional planners on staff to answer questions from the public, process development applications and provide staff assistance to the Commissions. Staff reviews project applications for compliance with applicable codes and any potential environmental impacts, prepares staff reports for the Commissions and public, and provides recommendations for action.

Happily Ever After

Planning is an important part of a community because it endeavors to balance competing interests such as a property owner's right to reasonably build on and enjoy his own property and the impacts on the immediate neighbors, the larger neighborhood and the community as a whole. By striving for this balance, planning serves to preserve property values and thus protect what likely represents the single largest investment of most people's lifetime.

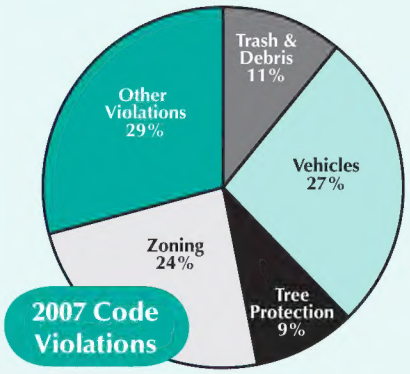
Residents have often expressed that they don't want Lafayette to be like other cities with homes packed on the hillside, large scale chain retail stores, or tract home communities with cookie-cutter housing. They want their city to be uniquely "Lafayette" – a rural oasis in the middle of busy urban metropolis. The planning process – from the General Plan to the specific zoning regulations, – articulate how the community sees itself, what it wants to be, and what steps it should take to ensure the vision is realized.

Marquis De Lafayette's Tips for Success

- ***Discuss the project with your neighbors early and often*** — An informed neighbor makes a happy neighbor; do your best to address their concerns in your initial design.
- ***Survey first, design second*** — A fence or other structure is generally not an accurate indication of where a property line lies. A survey saves time and anguish in the long run.
- ***Attend a public hearing*** — This is a great way to hear what the Commissions concerns and recommendations are for projects that you are not emotionally invested in.
- ***Request a study session*** — Get preliminary feedback and guidance from the Design Review Commission before committing to a specific design for your project.
- ***Drop by the Planning Counter*** — Planning staff can tell you what needs to be done to process your application efficiently and can also identify potential issues. The counter is open M-F from 12-5 pm.
- ***Put your best foot forward*** — Presentation goes a long way. Consider working with a qualified, experienced design professional. Make your exhibits easy to read and understand.
- ***Join the information age*** — Empower yourself by using the City's website at **www.lovelafayette.org**. Under City Departments > Planning you can find all zoning handouts, applications forms, access to aerial photos and maps, and good examples of submittals.

Code Enforcement

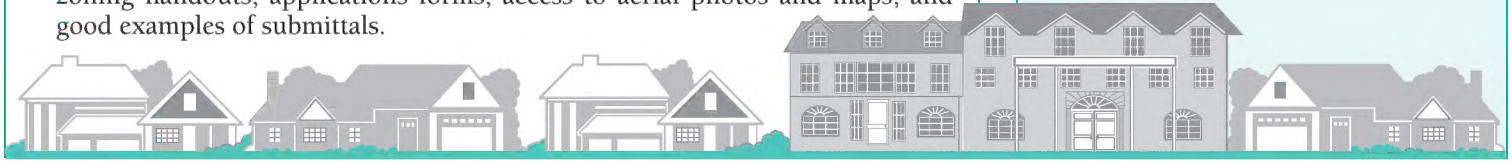
By now everyone has probably noticed the new parking meters that have been installed in the downtown. These additional meters were approved by the City Council last year, along with an increase in meter rates of 50 cents per hour, to fund the Code Enforcement program.



The City has myriad codes and zoning regulations as well as specific conditions of approval for various development projects. It is up to the Code Enforcement officer to make sure that all these rules are being followed in order to ensure that Lafayette remains a safe and attractive community. Violations include: accumulated trash and debris, non-operational vehicles, cutting down protected trees, operating a business in a residential zone, excessive noise, parking an RV in public view, and non-permitted signs.

The code enforcement program works primarily on a complaint basis and people can telephone or email the Code Enforcement Officer directly. The identities of complainants are kept confidential. Once a complaint is received, the Code Enforcement Officer will verify that a violation exists and then send out a courtesy notice to the property owner. Since many people are simply unaware of what may constitute a violation, this is often all it takes to rectify the situation. In more extreme cases, failure to abate the violation after subsequent warnings can lead to citations, fines and possible liens against the property, although it is very rare that violations reach this level.

Contact: Mark Robbins, Code Enforcement Officer at ***MRobbins@lovelafayette.org*** or 925-299-3207.



PLANNING Q&A

Q: *Why can the City tell me what color to paint my house?*

A: Have you ever noticed that when you look up into the hills, there appears to be a lot of open space covered in woodlands? Well, what you don't see are the homes that blend into the hillside. The planning department reviews development in hillside areas to help protect the semi-rural quality of Lafayette. Such details as requiring dark building colors and materials, reducing bright spots of light, protecting native trees, and requiring additional trees around structures help reduce the visual impacts of hillside development.

Q: *Where is my property line?*

A: It is a common misconception that a fence indicates where one's property line is. In many cases fences are not on the property line, and may be off by as much as several feet. The only way to determine where your property line actually lies is to obtain a survey from a California Certified Land Surveyor or Civil Engineer. A survey is also the best starting point for creating a site plan for a development project and it is highly recommended that you get one before starting any work on your property.

Q: *Can my neighbors do (that) without me receiving notification?*

A: A Notice of Public Hearing is only mailed out when the development "triggers" City review and requires a public hearing. Typical triggers include:

- Structures exceeding 17-ft. in height including additions.
- Development that exceeds 6,000 sq. ft. including house, garage, and accessory buildings.
- Structures in a commercial or multi-family zoning district.
- Structures in the Hillside Overlay District.
- Structures that encroach within the required setbacks or exceed the maximum height and require a variance.

Q: *Will I be notified of proposed development in my neighborhood?*

A: When an application triggers City review and requires a public hearing, California law requires that a notice be sent to all property owners within 300-ft. of the proposed development at least 10 days before the public hearing. The City Council has directed that public notification exceed the state requirements, particularly for larger lot zoning districts, by expanding the distance to 500 feet and the time to 14 days. All public meeting are also noticed on the City's website.

FUN FACTS

Did you know that in Lafayette…

- Oil derricks are exempt from height limits?
- Helicopter landing pads are not allowed?
- You need a license to sell "anything purporting to be a magic thing"?

Q: *Who makes the decisions?*

A: Staff can take action on smaller projects that do not require a public hearing. The Zoning Administrator, Design Review Commission, Planning Commission, and City Council take action on larger projects. Although staff prepares reports with recommendations, the Commissions ultimately make the final decisions, which may differ from the staff recommendation.

Q: *Do I need a permit for a fence or shed?*

A: Fences that are less than 6 feet in height do not require a permit and can be placed anywhere on the property that does not impede a driver's view of traffic. Sheds that do not exceed 12 feet high and 120 square feet (and that do not contain electrical or plumbing) do not require a building permit. Remember to check with the Planning Department for the minimum setback requirements!

Q: *What are setbacks?*

A: A "setback" is the distance from the property line to a structure. "Required setback", also termed "minimum setback" or "required yard" is the minimum distance that a structure must be set back from the property line (or access easement).

Q: *Can I get an exception?*

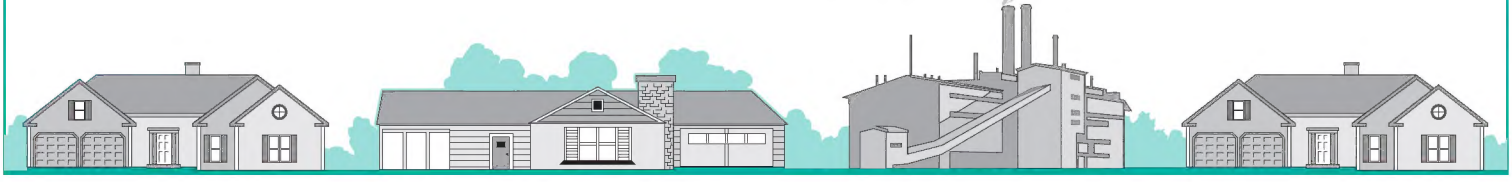
A: One can seek a variance from certain zoning requirements like minimum setbacks and maximum heights. However, in order to approve the request, the hearing body must find that there is some unique characteristic or physical constraint that precludes building in a conforming fashion. "Because I want a bigger family room" is not a valid reason to grant a variance.

Q: *Why do I need a permit to remove a tree?*

A: Trees are an important part in the semi-rural quality and unique visual character in Lafayette. They help to reduce the visibility of homes on hillsides, provide privacy between neighbors, add visual interest to neighborhoods and are also good for the environment. The Tree Ordinance was established to ensure that certain trees, defined as Protected Trees, are evaluated before removal so that these values are preserved.

Q: *Can my neighbors approve or deny my project?*

A: No. Your neighbors can have input on a project but the final decision is made by the Zoning Administrator, the Planning Commission, Design Review Commission or the City Council, depending on the size and complexity of the application. Generally, the hearing body will try to accommodate neighbors, particularly with issues of privacy.



City Council Speakers' Bureau

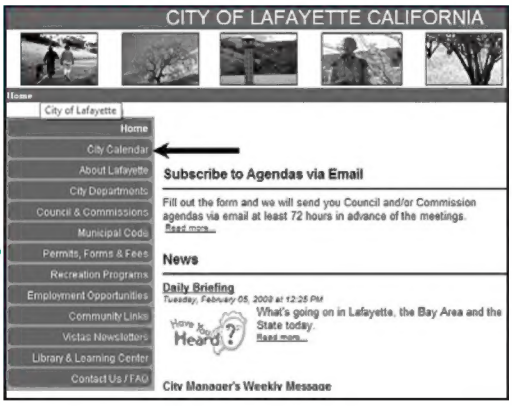
The **Lafayette City Council Speakers' Bureau** is ready to speak to your organization or group on the following topics:

- Roads – How do we fix them?
- Budget Buckets – How do we fill them?
- Lafayette Redevelopment Agency – What does it do?
- Downtown Strategic Plan – What does future downtown Lafayette look like?

The Council members bring a total of more than 75 years of Lafayette volunteer service and would like to share their experience first hand with your audience. For more information or to schedule a speaker for your organization or group, please contact Joanne Robbins at 925-299-3210 or by e-mail **jrobbins@lovelafayette.org.**

City Calendar

Want to know what public meetings are happening each day? Log onto the City's website at **www.lovelafayette.org** and click on the City Calendar link in the left hand column.



Around Town

May 3 • Sneak Peek of the New Lafayette Library & Learning Center Programs. 10:00am-3:00pm Stanley Middle School and the current library

Start the day with a pancake breakfast and storytime with Miss Donna, then walking tours, hands-on science sessions, zoo-mobile, authors signing books, health tips, figuring out your next "dream career," swashbuckling sword fights, music, food, and more.

May 10 • Gold Coast Players Fairy Tales and Love Songs Acalanes Performing Arts Theater • 8:00pm

Goose Suite for strings and piano, Quintet in E flat for piano and strings, 5 Hebrew Love Songs (Featuring Acalanes High Chamber Singers) and Fairy Tales for viola, cello and bass. Information: **www.gcplayers.org** or 925-283-3728.

May 15 • 5th Annual Taste of Lafayette • 3:30-9:00pm, $45/person

Tour of Lafayette's finest dining establishments sample the signature cuisine of each restaurant. The tour begins at Lafayette Plaza with a wine tasting. From there, ticket holders will go at their own pace to any – or all – of the participating restaurants. The evening wraps up back at the Plaza with dessert and coffee, music, raffles, silent and live auction. Information: 925-284-7404 or email: **info@lafayettechamber.org**

May 15 – June 28 • Triumph of Love, Town Hall Theater

The Tony Award nominated musical about love and seduction by Susan Birkenhead, Jeffrey Stock & James Magruder, based on the farce by Marivaux. Information: **www.thtc.org** or 925-283-1557.

City Directory

For Council Members call: **284-1968**

Council Members

Mike Anderson	**Mayor**
Don Tatzin	**Vice Mayor**
Brandt Andersson	**Council Member**
Carl Anduri	**Council Member**
Carol Federighi	**Council Member**

Messages to **all** Council Members:
cityhall@lovelafayette.org

Administration

General Reception and	**284-1968**
Steven Falk, City Manager	**Fax: 284-3169**
Tracy Robinson, Admin. Srv. Dir.	**299-3227**
Gonzalo Silva, Financial Srv. Mgr.	**299-3213**
Joanne Robbins, City Clerk	**299-3210**

Community Development

Ann Merideth, Director	**299-3218**
Tony Coe, Engineering Srv. Mgr.	**284-1951**
Niroop Srivatsa, Planning Srv. Mgr.	**284-1976**
Ron Lefler, Public Works Srv. Mgr.	**299-3214**
P.W. Hotline (to report problems)	**299-3259**

If you observe illegal dumping in creeks & storm drains or accidental spills on roads, call Contra Costa Hazardous Materials Division 646-2286.

Lamorinda School Bus Program

Juliet Hansen, Program Mgr.	**299-3216**
	Or 299-3215

Parks, Trails and Recreation **284-2232**

Jennifer Russell, Director	
Senior Services	**284-5050**
Teen Programs	**284-5815**

Police Services

Emergency: 24 Hours	**911**
Police Dispatch: 24 Hours	**284-5010**
Police Business Office:	**283-3680**

Anonymous Tipline, Traffic Enforcement, Suggestions & LEARN (Laf. Emergency Action Response Network), 299-3232 X 2205

Fax	**284-3169**
Address	**3675 Mt. Diablo Blvd. #210, Lafayette, CA 94549**
Website:	**www.ci.lafayette.ca.us**

E-MAIL: Council/staff members can be reached via e-mail using this address format:
First Initial + Last Name @lovelafayette.org
Example: SFalk@lovelafayette.org

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